

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 6, 2003

C041621 THE PEOPLE v. SCHLEMMER III (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Davis, Acting P.J.
 Callahan, J.

C039121 THE PEOPLE v. WRIGHT

BY THE COURT:

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.

January 7, 2003

C034277 THE PEOPLE v. REYNOLDS (Not for Publication)

The judgment is affirmed. However, the trial court is directed to correct the abstract of judgment to reflect that defendant's convictions are under Penal Code section 288, subdivision (a), and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

KOLKEY, J.

We concur: Blease, Acting P.J.
 Hull, J.

C034488 THE PEOPLE v. SALAZAR (Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Nicholson, J.
 Robie, J.

C036703 THE PEOPLE v. MICELI (Certified for Publication)

THE COURT:

The opinion filed in this case on December 11, 2002, is modified in the following respects...

These modifications do not change the judgment.

The petition for rehearing is denied.

BY THE COURT:

SIMS, Acting P.J.

We concur: Nicholson, J.
 Robie, J.

**COURT OF APPEAL
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The Minutes

January 7, 2003, continued

- C037082 THE PEOPLE v. VARGAS (Not for Publication)**
The sentence is vacated and the matter remanded to the Superior Court for resentencing. The clerk of this court is directed to send a copy of this opinion to the State Bar, so that it can evaluate the ineffective assistance of counsel provided by attorneys Stephen C. Kennedy and Elliot Burick. In all other respects the judgment is affirmed.
SIMS, Acting P.J.
We concur: Davis, J.
Hull, J.
- C037706 THE PEOPLE v. MYERS (Not for Publication)**
The judgment is affirmed.
KOLKEY, J.
We concur: Scotland, P.J.
Davis, J.
- C038007 THE PEOPLE v. GRAVES (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Hull, J.
Robie, J.
- C039622 THE PEOPLE v. SHAYNE (Not for Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We concur: Callahan, J.
Robie, J.
- C040625 THE PEOPLE v. MEDLOCK (Not for Publication)**
The judgment is modified... In all other aspects, the judgment is affirmed.
SIMS, Acting P.J.
We concur: Nicholson, J.
Morrison, J.
- C040277 THE PEOPLE v. GRAY (Not for Publication)**
The judgments are affirmed.
SIMS, Acting P.J.
I concur: Nicholson, J.
I concur except as to part I, in which I concur in the result.
Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 7, 2003, continued

- C040635 THE PEOPLE v. DAVIS (Certified for Publication)**
The order revoking defendant's probation and ordering the execution of the two-year prison term is reversed and the case is remanded to the trial court to determine whether to require defendant to participate in a drug treatment program as an additional condition of probation. (CERTIFIED FOR PUBLICATION.)
ROBIE, J.
We concur: Blease, Acting P.J.
 Nicholson, J.
- C040681 THE PEOPLE v. CAGLE (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Davis, J.
 Raye, J.
- C040970 THE PEOPLE v. SHEFFER (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Raye, J.
 Morrison, J.
- C041304 THE PEOPLE v. MILLER (Not for Publication)**
The judgment is affirmed. The trial court is directed to prepare a second amended abstract reflecting that sentence was pronounced on April 4, 2002. The trial court is further directed to send a certified copy of the second amended abstract of judgment to the Department of Corrections.
CALLAHAN, J.
We concur: Davis, Acting P.J.
 Nicholson, J.
- C041385 THE PEOPLE v. THEW (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Blease, J.
 Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 7, 2003, continued

C039969 In re TOMMY B.; THE PEOPLE v. TOMMY B.

(Not for Publication)

The juvenile court's finding that the minor used offensive language in violation of Penal Code section 415, subdivision (3), is reversed. The matter is remanded to the juvenile court with directions to dismiss the petition.

ROBIE, J.

We concur: Scotland, P.J.

Kolkey, J.

C041088 In re JOPPA A.; HUMAN SERVICES AGENCY v. SYBIL A.

(Not for Publication)

The juvenile court order is affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.

Hull, J.

January 8, 2003

C038925 THE PEOPLE v. MOORE

(Certified for Partial Publication)

The judgment is modified...As so modified, the judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

Sims, Acting P.J.

I concur: Morrison, J.

I concur in the result.

Callahan, J.

C039014 THE PEOPLE v. WALTERS

(Not for Publication)

We remand this matter solely for the purposes of resentencing in conformance with this opinion... In all other respects, the judgment is affirmed.

NICHOLSON, Acting P.J.

We concur: Raye, J.

Hull, J.

C040128 THE PEOPLE v. EDWARDS

(Not for Publication)

The judgment of conviction is affirmed.

BLEASE, Acting P.J.

We concur: Davis, J.

Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 8, 2003, continued

- C041208 THE PEOPLE v. COLLINS (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
 Callahan, J.
- C041715 THE PEOPLE v. GOODIN (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Sims, J.
 Raye, J.
- C039376 RAINVILLE v. SUTTER HEALTH (Not for Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We concur: Callahan, J.
 Hull, J.
- C041236 SCHROEDER v. FRANCHISE TAX BOARD (Not for Publication)**
The judgment is affirmed. FTB shall recover its costs on appeal. (Cal. Rules of Court, rule 26(a).)
ROBIE, J.
We concur: Davis, Acting P.J.
 Callahan, J.
- C040677 In re MATTHEW M. et al.; DEPARTMENT OF HUMAN SERVICES
v. WAYNE M. (Not for Publication)**
The juvenile court's order is affirmed.
BLEASE, Acting P.J.
We concur: Callahan, J.
 Robie, J.
- C041073 In re D.D.; THE PEOPLE v. D.D. (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
 Sims, J.

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The Minutes

January 9, 2003

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| C037360 | THE PEOPLE v. LAUSCHE
The judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
Sims, J. | (Not for Publication) |
| C037726 | THE PEOPLE v. PRECIADO
The judgment is affirmed.
RAYE, Acting P.J.
We concur: Callahan, J.
Hull, J. | (Not for Publication) |
| C038476 | THE PEOPLE v. SIDLEY
The judgment is affirmed.
ROBIE, J.
We concur: Davis, Acting P.J.
Callahan, J. | (Not for Publication) |
| C038550 | THE PEOPLE v. YORK
The judgment is affirmed.
RAYE, J.
I concur: Blease, Acting P.J.
I concur in the opinion except for part II, where I concur in the result.
Sims, J. | (Not for Publication) |
| C038698 | THE PEOPLE v. LOGAN
The judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
Callahan, J. | (Not for Publication) |
| C040796 | THE PEOPLE v. FROGGATT
The judgment is reversed and the matter remanded to the trial court. The court may afford defendant the benefit of the plea bargain by granting probation. If it elects not to do so or is unable to adequately remedy its earlier violation of the agreement at that time, then the court shall allow defendant the opportunity to withdraw her plea. If the court does not modify defendant's sentence and she declines to withdraw her plea, the judgment shall be reinstated.
RAYE, J.
We concur: Scotland, P.J.
Blease, J. | (Not for Publication) |

**COURT OF APPEAL
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The Minutes

January 9, 2003, continued

- C041449 THE PEOPLE v. LEE (Not for Publication)**
The judgment is modified by striking the theft fine imposed pursuant to Penal Code section 1202.5 (and the penalty assessments based thereon). As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the modification and to forward a certified copy thereof to the Department of Corrections.
KOLKEY, J.
We concur: Hull, Acting P.J.
Robie, J.
- C041227 TIMOFEYEV v. TABER CONSULTANTS, INC., et al. (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Nicholson, Acting P.J.
Morrison, J.
- C040798 In re FEATHER J.; CHILDREN'S SERVICES DIVISION v. LORETTA J. (Not for Publication)**
The order of the juvenile court terminating the parental rights of appellant is reversed, and the matter remanded to the juvenile court with directions...
In all other respects, the order is affirmed.
NICHOLSON, J.
We concur: Davis, Acting P.J.
Callahan, J.
- C041592 In re D.K. et al; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. MALVOLA D. (Not for Publication)**
The orders of the juvenile court are affirmed.
KOLKEY, J.
We concur: Scotland, P.J.
Robie, J.
- C042884 THE PEOPLE v. ROGERS
BY THE COURT:**
A transfer on certification is denied. The clerk of this court is directed to forthwith return the record filed upon certification to the Superior Court Clerk.
SIMS, Acting P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

January 10, 2003

- C039360 THE PEOPLE v. BOYD (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Kolkey, J.
- C041169 TAVARES v. TAVARES (Not for Publication)**
The order is affirmed. Appellant shall pay respondent's costs on appeal.
(Cal. Rules of Court, rule 26 (a).)
HULL, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C041382 In re O.K. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. MAXIMILLIAN K. et al. (Not for Publication)**
The juvenile court's order is affirmed.
HULL, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C041476 In re M.H.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. MARY H. (Not for Publication)**
The orders of the juvenile court are affirmed.
HULL, J.
We concur: Sims, Acting P.J.
 Nicholson, J.